

Decision 89 01 009 JAN 11 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PAGING NETWORK OF LOS ANGELES, INC.,)
(U-2083-C), a Delaware corporation,)
for a certificate to construct)
additional radio-telephone utility)
facilities serving San Luis Obispo,)
California, as may be required by)
Section 1001, et seq. of the)
California Public Utilities Code.)

ORIGINAL

Application 88-06-026
(Filed June 17, 1988)

OPINION

Paging Network of Los Angeles, Inc. (applicant), a Delaware corporation qualified to do business in California, requests a certificate of public convenience and necessity to construct and operate additional one-way paging service in and around San Luis Obispo. A map identifying applicant's proposed service area and engineering statements is attached to the application as Exhibit B.

Copies of the application were served on cities and counties within the proposed service area and other entities with which applicant's proposed service is likely to compete, as listed on the service list attached to the application.

Notice of this application appeared on the Commission's Daily Calendar of June 21, 1988. No protests to the application have been received; therefore, there is no need to hold a public hearing.

Applicant, at the time of filing its application, had the requisite Federal Communications Commission (FCC) construction permit for a base station facility at Cuesta Peak, 5-1/2 miles north of San Luis Obispo.

Applicant, a certificated radiotelephone utility (RTU), provides one-way paging RTU service throughout the greater Los

Angeles, San Diego, and Bakersfield area. Its principal place of business is in Anaheim. Applicant's sister company provides one-way paging service throughout the greater San Francisco, San Jose, and Sacramento area.

Applicant contends that a public need and demand exists for its proposed service. Applicant maintains that the FCC, by granting numerous 900 megahertz (MHz) frequency applications, has conclusively established that there is an ever-increasing demand for paging service in California. Further, applicant contends that its proposed extension of service will improve service reliability on the fringes of its current service area and provide extended coverage throughout the area in and around Los Angeles, San Diego, Santa Barbara, San Luis Obispo, and Bakersfield.

Total capital requirements for base station facilities and related equipment are estimated to be approximately \$42,500. The necessary funds are to be provided from existing revenues of Paging Network, Inc. (PageNet), applicant's parent corporation, and an established line of credit which PageNet has with Continental Illinois National Bank and Trust Company of Chicago. A letter of commitment from PageNet is attached to the application as Exhibit E.

The proposed base station facility is to be located on existing towers in existing antenna farms. Therefore, it can be seen with certainty that there is not any possibility that the proposed construction may have a significant adverse effect on the environment.

Applicant proposes to offer state-of-the-art paging services as they are developed at the 900 MHz frequency. The service offerings are to be fully automatic and interconnected. Service is to initially include tone-only, numeric display, and tone-and-voice service.

The same rates, rules, and regulations in effect for applicant's presently certificated service are proposed for the service territory subject to this application.

The proposed facilities are to be operated under the direct supervision and control of applicant's present local personnel. Control of the proposed base station facilities is to be provided by a new control station. Additionally, automatic alarms are to provide immediate notification of certain technical failures, and a 24-hour trouble reporting number is to be given to all subscribers to ensure response to system failures on a 24-hour, 7-day-per-week basis.

Maintenance and repair services are to be provided by applicant's experienced technicians. These technicians are to have access to applicant's transmitter and control point at all times to perform routine maintenance and emergency repair services. During normal working hours, the technicians are to be on duty at the control point and at other times are to be on call.

Applicant requests that the decision be made effective on the date signed. Since no protests were received and applicant is ready and willing to serve the public, we will make this decision effective on the date signed.

Findings of Fact

1. Applicant requests a certificate to construct and operate RTU facilities in and around San Luis Obispo for the purpose of providing tone-only, numeric display, and tone-and-voice service using radio frequency 931.6875 MHz.

2. Notice of this application appeared on the Commission's Daily Calendar of June 21, 1988.

3. No protests to the application were received.

4. Applicant possesses the requisite FCC construction permit.

5. Applicant is a certificated RTU presently authorized to operate in the Los Angeles, San Diego, and Bakersfield areas.

6. The proposed operation is economically feasible.
7. The proposed base station antenna is to be located on existing towers in existing antenna farms.
8. It can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.
9. The proposed operation is technically feasible.
10. Public convenience and necessity require the granting of the application.
11. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted to the extent provided for in the following order.
2. Only the amount paid to the State for operating rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly features of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Paging Network of Los Angeles, Inc. (applicant), a California corporation, for the construction and operation of a public utility one-way radiotelephone system with a base station as follows:

Base station location: Cuesta Peak, 5.5 miles N of
San Luis Obispo (Lat. 35
degrees 21' 38" N, Long. 120
degrees 39' 21" W)

Service areas: As shown in Exhibit B to Application
(A.) 88-06-026.

2. Within 30 days after this order is effective, applicant shall file a written acceptance of the certificate granted in this proceeding.

3. Applicant is authorized to file, after the effective date of this order and in compliance with General Order 96-A, tariffs applicable to the service authorized containing rates, charges, and rules applicable to its radiotelephone services. The tariffs shall become effective on not less than 10 days' notice. The rates and charges shall be the same as for similar services that applicant provides under its existing tariffs on file with the Commission.

4. Applicant shall file, after the effective date of this order and in compliance with Ordering Paragraph 3, as part of its individual tariff, service area maps drawn in conformity with the provisions of the Federal Communications Commission Rule 22.504, commonly known as the "Carey Report," and consistent with Exhibit B to A.88-06-026.

5. Applicant shall notify the Commission Advisory and Compliance Division Director in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

6. The corporation identification number assigned to Paging Network of Los Angeles, Inc. is U-2083-C which should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

7. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

8. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from today.

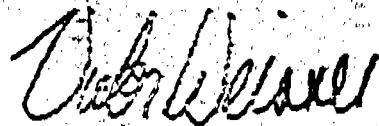
This order is effective today.

Dated JAN 11 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. CHANIAN
Commissioners

Commissioner Stanley W. Hulett
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weissor, Executive Director
AP